

GOVERNMENT OF TELANGANA
A B S T R A C T

Public Services -Scheduled Caste Development Department – Disciplinary action initiated under rule 20 of APCS (CC&A) Rules, 1991 against Sri S.Sudharshan, Hostel Welfare Officer (Retired), Ranga Reddy district – Orders passed by the Hon'ble APAT – Implementation Orders – Issued

SCHEDULED CASTE DEVELOPMENT (SER.A2) DEPARTMENT

G.O.Rt.No. 45

Dated:02-08-2014
Read the following:-

1. From the orders of Hon'ble APAT in OA No. 5387/2010, Dt.3.11.2010.
2. From the Commissioner of Social Welfare, A.P., Hyderabad, Lr.Rc.No.I-3/10037/2010, dated 17.1.2011.
3. Govt. Memo No. 852/SW.Ser.III.2/2011, Dt.4.3.2011.
4. From the District Collector, Ranga Reddy district, Lr.Rc.No. A1/1997/2010, dated 29.3.2011.
5. Govt. Memo No. 852/SW.Ser.III.2/2011-4,5,6, Dt.12.7.2013.
6. From Hon'ble High Court of A.P., orders Dt 28.10.2013 in W.P.No. 11803/2011.
7. From the CSW, A.P., Hyd., Lr.Rc.No. I-2/10037/2010, Dt 1.3.2014.
8. From the CSW, A.P., Hyd., Lr.Rc.No.I-2/10037/2010, Dt 16.04.2014.
9. From the CSW, A.P., Hyd., Lr.Rc.No.I-1/10037/2010, Dt.24.04.2014.

O R D E R:-

In the reference 2nd read above, the Commissioner of Social Welfare, A.P., Hyderabad has informed that in a disciplinary case Sri S.Sudharshan, the then Hostel Welfare Officer, Social Welfare Boys Hostel, Ghatkesar, Ranga Reddy District was placed under suspension due to excess drawls of funds under 230-Diet charges from STO, Hayathnagar, and non maintenance of accounts. Subsequently, Article of Charges was framed against the delinquent officer by the District Collector, Ranga Reddy District and explanation was also received from the delinquent officer. The Executive Director, DSCSCS Limited, Ranga Reddy District has been appointed as Enquiry Officer by the District Collector, Ranga Reddy District in the above said disciplinary case. However, due to the misplacement of the disciplinary case file, the enquiry was not completed. Meanwhile, Sri S.Sudharshan, Hostel Welfare Officer, Social Welfare Boys Hostel, Peddamangalaram has retired from the Government service on attaining the age of Superannuation of (58) years on 30.06.2008 & subsequently, Sri S. Sudarshan, Hostel Welfare Officer (Retired) has filed O.A. No. 5387 of 2010 before the Hon'ble APAT, Hyderabad, questioning the in action in finalization of the disciplinary proceedings, even after lapse of more than (2) years from the date of his retirement and requested relief to direct the respondents to release the service pension. The Hon'ble APAT, Hyderabad has passed the following orders in O.A. No. 5387 of 2010 dated 03-11-2010:

"In a case between State of Punjab v. Chamam Lal Goyal, the Hon'ble Supreme Court has stated that where it is not possible to strike down the charges on the ground of delay, it is desirable to grant consequential benefits of promotion or payment of pension. The Division Bench of our Hon'ble High Court in W.P. No. 2995 of 2007 between the Joint Director of pension payment and M. Mahender, directed to grant promotion without taking the departmental enquiry into account on the ground of delay in departmental enquiry. In this case also, the departmental enquiry is not completed even after Ten years, and there is no chance of completing it in the near future, as the file is missing. There is no request to quash the departmental enquiry due to abnormal delay. So, naturally, the consequential relief to pay the full pension and retirement benefits is to be granted".

"Therefore, the O.A. is allowed. The respondents (i.e Commissioner of Social Welfare, A.P., Hyderabad, Joint Director, Ranga Reddy Dist., and Dist. Collector, Ranga Reddy Dist.,) are directed to pay pension and retirement benefits to the applicant, within a period of Eight Weeks from the date of receipt of a copy of this order, irrespective of pendency of any departmental proceedings".

2. In the reference 3rd read above, the Commissioner of Social Welfare, A.P., Hyderabad was requested to file an appeal before the Hon'ble High Court against the orders of the Hon'ble APAT in O.A.No. 5387/2010, dated 3.11.2010 in consultation with Government Pleader. Accordingly, W.P.No.11803/2011 filed before the Hon'ble High Court of A.P.

3. In the reference 5th read above, the District Collector, Ranga Reddy district was permitted to frame the charges afresh against Sri S.Sudharshan, Hostel Welfare Officer (Retd), Social Welfare Boys Hostel, Peddamangalaram, Ranga Reddy district who was retired from the Government service on 30.6.2008 and Sri K.Sunder Raj, Hostel Welfare Officer, Social Welfare Boys Hostel, Nadargul and send the action taken report to Government.

(p.t.o)

4. In the reference 7th read above, the Commissioner of Social Welfare, A.P., Hyderabad has stated that the Government Pleader of Hon'ble High Court of A.P., Hyderabad was requested for his opinion on framing fresh charge memo against Sri S.Sudharshan, Hostel Welfare Officer (Retired), Social Welfare Boys Hostel, Peddamangalaram through Lr.No.A1/1997/2010, Dt.27.11.2013 for which the Government Pleader, High Court, Hyderabad has opined the following:

"the references pertain to the cases filed in 6363/2013 by Sri K.Mallappa, Hostel Welfare Officer (Retired), Government Social Welfare Boys Hostel, Vikarabad, Ranga Reddy District, Sri K.Pandurangam, Hostel Welfare Officer (Retired), Government Social Welfare Boys Hostel, Shabad filed OA No.6366/2013, OA No.6367/2013 filed by Sri Bichi Reddy, Hostel Welfare Officer (Retired), Government Social Welfare Boys Hostel, Mohammadabad and OA No.6364/2013 filed by Sri K.Anjaiah, Hostel Welfare Officer (Retired), Government Social Welfare Boys Hostel, Pargi, Ranga Reddy District. The supra said O.A.s were allowed in the result the impugned Charge Memo No.A1/1264/96-11-40, Dated 21.12.2000 in the all above O.A.s set aside. The Hon'ble High Court in W.P.No.11803/2011 consisted of Division Bench in case of Sri S.Sudharshan, Hostel Welfare Officer (Retired), Government Social Welfare Boys Hostel, Peddamangalaram, Ranga Reddy District are also dismissed. The Hon'ble High Court of A.P., Hyderabad has observed as there is no further move by the petitioner in completing the enquiry initiated against the respondent either after disposal of O.A.s by the Tribunal or during pending of Writ Petition.

This matter is ejusdem janaris (Kindred matter among all this O.A.s). Hence this cases are not fit to file a Writ Petition. Hence his opinion".

5. Commissioner of Social Welfare, A.P., Hyderabad has further stated that the Hon'ble High Court of A.P., Hyderabad in W.P.No.11803 of 2011, dated 28th October, 2013 made the following order.

"In this case, it is to be noticed that about a decade earlier to his retirement, on the allegation that he drew the amounts without Budget allotment and there was variation in the stock, he was placed under suspension by the third petitioner herein vide order dated 20.11.1998 in Rc.No.A1/2273/98. He was also reinstated on 15.06.1999. Thereafter, departmental enquiry was initiated and four charges were framed against him and he also filed explanation on 15.03.2000. Thereafter, no further enquiry is conducted for about eight long years before his retirement on 30.06.2008. The Tribunal had not quashed the departmental enquiry, but, in view of abnormal delay in not completing the enquiry, it had issued directions to the petitioners herein for payment of pension and retiral benefits to the first respondent herein. It appears, no further steps were taken even during pendency of the writ petition. When departmental enquiry is initiated, it is expected that the same shall be completed as expeditiously as possible. It is also to be noted that the Government itself had issued instructions in G.O.Ms.No.679, GAD, dated 01.11.2008, for completing the departmental enquiry within a period of six months from the date of initiation of such enquiry. Further, in spite of the directions issued by the Tribunal and in the absence of any explanation from the petitioners for such inordinate delay, there is no reason for not paying the retiral benefits and pension to the first respondent as per his entitlement. As there is no further move by the petitioners in completing the departmental enquiry initiated against the first respondent either after disposal of O.A. by the Tribunal or during pendency of the writ petition, we do not find any illegality in the impugned order warranting interference by this Court, at this stage.

In that view of the matter, the writ petition is devoid of merit and is accordingly dismissed. No order as to costs. Miscellaneous Petitions, if any pending in this writ petition shall stand closed."

6. Commissioner of Social Welfare, A.P., Hyderabad has further informed that another charge memo pending against the individual. In a disciplinary case, the District Collector, Ranga Reddy vide Memo Rc.No.A1/1264/96-II-36, dated:21.12.2000 has framed the article of charges against Sri S.Sudharshan, Hostel Welfare Officer, Social Welfare Boys Hostel, Basheerabad-I and Aloor, Ranga Reddy district, based on the Special Audit Report submitted by the Accounts Officer O/o the Commissioner, Social Welfare, Hyderabad towards excess drawal of diet charges for the years 1991-92 to 1994-95.

7. Commissioner of Social Welfare, A.P., Hyderabad vide reference 9th read above, has informed that Sri S.Sudharshan, Hostel Welfare Officer (Retired) is not involved in CB, CID case and he has not been charge sheeted and his name was not included in the Cr.13/96 and the name of Sri S.Sudharshan, Hostel Welfare Officer (Retired) is not included in OA No.6363/2013.

8. Commissioner of Social Welfare, A.P., Hyderabad has also informed that the District Collector, Ranga Reddy has requested the clarification whether full pension, gratuity and other pending benefits can be sanctioned to Sri S.Sudharshan, Hostel Welfare Officer Grade-II, SW Boys Hostel, Peddamangalaram, as per orders of the Hon'ble APAT, Hyderabad. In this regard, the Commissioner of Social Welfare, A.P., Hyderabad has stated that the Government is the competent authority in respect of retired employees. She has requested the Government to issue necessary orders in the matter and avoid further legal implications if any.

9. Government, after careful examination of the entire matter with reference to the recommendations of the Commissioner of Social Welfare, Hyderabad, taking into consideration of the report of the District Collector, Ranga Reddy district, have decided to implement the orders of the Hon'ble Andhra Pradesh Administrative Tribunal in O.A.No.5387/2010 dated:03.11.2010 filed by Sri S.Sudharshan, Hostel Welfare Officer (Retd), Social Welfare Boys Hostel, Peddamangalaram, Ranga Reddy district. Government have also decided to continue disciplinary action against Sri S.Sudharshan, Hostel Welfare Officer (Retd), Social Welfare Boys Hostel, Peddamangalaram, Ranga Reddy district and to initiate disciplinary action against the persons which resulted in losing the case. Government have also decided to permit the District Collector (SCD), Ranga Reddy district to complete the inquiry by appointing the Joint Director (SCD), Ranga Reddy district as the Inquiring Authority and also appoint the Presenting Officers against the Charged Officer within (90) days from the date of issue of this order and send proposal to Government for final orders, as the individual was retired from service in 2008 itself.

10. Accordingly, Government hereby order to implement the orders of Hon'ble Andhra Pradesh Administrative Tribunal in O.A.No.5387/2010 dated:03.11.2010 filed by Sri S.Sudharshan, Hostel Welfare Officer (Retd), Social Welfare Boys Hostel, Peddamangalaram, Ranga Reddy district. Government hereby also order to continue disciplinary action against Sri S.Sudharshan, Hostel Welfare Officer (Retd), Social Welfare Boys Hostel, Peddamangalaram, Ranga Reddy district, which were already pending against him and to initiate disciplinary action against the persons which resulted in losing the case. Government hereby permit the District Collector (SCD), Ranga Reddy district to complete the inquiry by appointing the Joint Director (SCD), Ranga Reddy district as the Inquiring Authority and also appoint the Presenting Officers against the Charged Officer within (90) days from the date of issue of this order and send proposal to Government for final orders, as the individual was retired from service in 2008 itself.

11. The Director, Scheduled Caste Development, Telangana, Hyderabad / District Collector (SCD), Ranga Reddy are requested to take further necessary action accordingly and furnish the compliance report to Government immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr.T.RADHA
PRINCIPAL SECRETARY TO GOVERNMENT (FAC)

To
The Director, Scheduled Caste Development, Telangana, Hyderabad
The District Collector (SCD), Ranga Reddy district
Copy to:
The Joint Director (SCD), Ranga Reddy district
The Accountant General, A.P., Hyderabad.
The District Treasury Officer, Ranga Reddy district
The Government Pleader for SW(S), APAT, Hyderabad.
The P.S. to Principal Secretary to Chief Minister.
The P.S. to Chief Secretary.
The P.S. to Principal Secretary (SCDD) (FAC)
SF/SC

// FORWARDED:: BY ORDER //

SECTION OFFICER